

Appl. No. 10/049,256
Amdt. Dated July 22, 2003
Reply to Office action of April 22, 2003

REMARKS/ARGUMENTS

Claims 14-25 are pending in this application and stand rejected. Claims 1-13 were previously canceled by preliminary amendment. Claims 20-21 and 23-24 have been canceled by the present amendment without prejudice. Claims 14, 15, 22 and 25 have been amended.

In the Office action mailed April 22, 2003, the Examiner rejected all pending claims 14-25. Claims 14-25 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14-21 and 25 were rejected under 35 U.S.C. 102(b) as being anticipated by Lucas et al. Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas as applied to claims 14-21 and 25, and further in view of Danish Patent Publication No. 9301278. Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas as applied to claims 14-21 and 25, and further in view of British Patent Publication No. 2138478. Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas as applied to claims 14-21 and 25, and further in view of British Patent Publication No. 2314112. In addition, the Examiner objected to the specification, because it does not contain an abstract.

The specification has been amended to add an abstract. In addition, the abstract has been provided on a separate sheet enclosed with this Response.

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Claim 14 has been amended to remove "flexible means" and replace it with "flexible sections", which is defined in the specification, for instance, at page 4, lines 12-15 and page 5, lines 2-4. In addition, the reference to "connected" has been clarified. Applicant respectfully disagrees with the Examiner's § 112 rejection based on recitation of the phrase "pre-biased at about 90°". It is a commonly used technique in plastics manufacturing to provide a bias to a plastics component so that it is not in a flat configuration at rest. Thus, it has been "previously-biased" or "pre-biased" to about 90°. As such, Applicant submits that claim 14, as amended is in compliance with § 112.

Claim 22 has been amended to remove "the or each" and clarify what is being claimed. Therefore the § 112 rejection of claim 22 should be withdrawn.

Claim 14 has been amended to recite first and second mounting portions. As such, the reference to "a first mounting portion" in claim 25 has antecedent basis in claim 14, and the § 112 rejection of claim 25 should be withdrawn.

Independent claim 14, as amended, incorporates the subject matter of previous claim 23, with claims 20 and 21, which have been canceled. It is also amended to emphasize that the first and third members are connected to the second member. Lucas does not disclose a first member attached to a mounting portion, a third member attached to a mounting portion, and both being attached to a common second member. Considering Figure 1 of Lucas, there is a first member (26), second member (27), third member (28) and fourth member (29) between the "mounting portions" (25 and 30). The third member (28) of Lucas

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satisfies the requirement that it is connected to the second member (27), but it is not attached to a mounting portion (25 or 30). If the members (26-29) are numbered differently, either the same distinction arises, or the first, second and third members are connected/attached to one another. Therefore, claim 14, and claims 15-19, 22 and 25, which depend on claim 14 are patentably distinct over Lucas et al.

The subject matter of canceled claim 23 has been incorporated into claim 14. Applicant respectfully disagrees with the §103 rejection of claim 23 as obvious over Lucas in light of GB 2,138,478 (Maguire). Lucas discloses a self-trimming shield for a door heel, the operation of which is best illustrated in figures 1 and 2. Column 2, lines 35-41, of Lucas state that the "joints 52 and 50 are preferably formed with sufficient articulation resistance to provide a constant bias, which urge panels 26 and 27 away from the pinch point formed between door heel 15 and casing joints 16." This is to prevent inversion of the shield during operation. Referring to Figure 1 of Lucas, the joints 52 and 50 are pre-biased so that they tend to force the door open. However, joint 50 is shown at about 90° in Figure 1, implying that it is biased away from this angle in order to exert a force when in this configuration. Thus, to have joint 50 pre-biased to about 90°, as required by amended claim 1, is contrary to the teaching of Lucas.

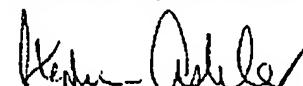
Furthermore, with reference to GB 2,138,478 (Maguire), there is no disclosure therein that the mounting portions 5 and 6 are pre-biased to about 90°. Figure 1 shows a cross-section of the device, but there is no disclosure that this is the "at rest" configuration thereof.

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Additionally, there is no teaching in GB 2,138,478 (Maguire) as to why mounting portions might be pre-biased or what advantage(s) this might provide. Accordingly, there is no teaching discernable to a person skilled in the art as to why such a configuration, which Applicant maintains is not disclosed or suggested in the prior art, would be used elsewhere.

For all of the reasons discussed above, Applicant submits that all of the claims in the case are now in condition for allowance. Such action is therefore requested at an early date. If the examiner believes that issues remain for discussion, he is invited to contact the undersigned at the telephone number or e-mail address listed below.

Respectfully submitted,



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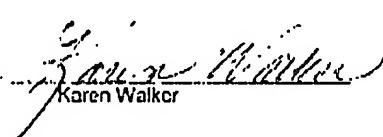
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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office - to Technology Center 3600 (Facsimile No. (703) 872-9326) on July 22, 2003. Date of Signature: July 22, 2003.

Signature:



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